

## **§ 663.21**

determined not to be in compliance with this part will be subject to the immediate suspension, withholding, or repayment of Federal financial assistance from FTA or other appropriate actions unless and until it comes into compliance with this part.

### **Subpart B—Pre-Award Audits**

#### **§ 663.21 Pre-award audit requirements.**

A recipient purchasing revenue service rolling stock with FTA funds must ensure that a pre-award audit under this part is complete before the recipient enters into a formal contract for the purchase of such rolling stock.

#### **§ 663.23 Description of pre-award audit.**

A pre-award audit under this part includes—

- (a) A Buy America certification as described in § 663.25 of this part;
- (b) A purchaser's requirements certification as described in § 663.27 of this part; and
- (c) Where appropriate, a manufacturer's Federal Motor Vehicle Safety certification information as described in § 663.41 or § 663.43 of this part.

#### **§ 663.25 Pre-award Buy America certification.**

For purposes of this part, a pre-award Buy America certification is a certification that the recipient keeps on file that—

- (a) There is a letter from FTA which grants a waiver to the rolling stock to be purchased from the Buy America requirements under section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended; or
- (b) The recipient is satisfied that the rolling stock to be purchased meets the requirements of section 165(a) or (b)(3) of the Surface Transportation Assistance Act of 1982, as amended, after having reviewed itself or through an audit prepared by someone other than the manufacturer or its agent documentation provided by the manufacturer which lists—
  - (1) Component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of

## **49 CFR Ch. VI (10–1–00 Edition)**

the parts, their country of origin and costs; and

- (2) The location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

#### **§ 663.27 Pre-award purchaser's requirements certification.**

For purposes of this part, a pre-award purchaser's requirements certification is a certification a recipient keeps on file that—

- (a) The rolling stock the recipient is contracting for is the same product described in the purchaser's solicitation specification; and
- (b) The proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the recipient's specification set forth in the recipient's solicitation.

### **Subpart C—Post-Delivery Audits**

#### **§ 663.31 Post-delivery audit requirements.**

A recipient purchasing revenue service rolling stock with FTA funds must ensure that a post-delivery audit under this part is complete before title to the rolling stock is transferred to the recipient.

#### **§ 663.33 Description of post-delivery audit.**

A post-delivery audit under this part includes—

- (a) A post-delivery Buy America certification as described in § 663.35 of this part;
- (b) A post-delivery purchaser's requirements certification as described in § 663.37 of this part; and
- (c) When appropriate, a manufacturer's Federal Motor Vehicle Safety Standard self-certification information as described in § 663.41 or § 663.43 of this part.

#### **§ 663.35 Post-delivery Buy America certification.**

For purposes of this part, a post-delivery Buy America certification is a certification that the recipient keeps on file that—